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May 15, 2023

VIA ECF

Honorable Jesse M. Furman
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *United States v. Nathaniel Chastain*, No. 22-cr-305 (JMF)

Dear Judge Furman:

Defendant Nathaniel Chastain respectfully submits this letter out of an abundance of caution to ensure that the record is clear and that his Rule 29 motion for acquittal is fully preserved.

As the Court will recall, on April 27, 2023, toward the close of the government's case, it was agreed that the Court would "anticipatorily deem the defense to have made a Rule 29 motion" and the Court "to have reserved judgment on it." (Tr. 558). After the government rested, and shortly before the close of all the evidence (the defense called one witness), the Court heard argument on the Rule 29 motion. (Tr. 666-671). The Court denied the motion as to Count One (Tr. 667), and indicated as to Count Two that "[w]hether it's reserved or denied, it's going to the jury." (Tr. 671).

After that ruling, the following morning, testimony from the final witness (the one defense witness) in the case briefly resumed and concluded. Now that the presentation of all evidence has been completed, and the jury has returned its verdict, the defense wishes to renew its motion formally, to ensure that its argument that the evidence was insufficient to prove the charged offenses beyond a reasonable doubt is preserved. To avoid burdening the Court, the defense does not seek a further hearing or briefing.¹

¹ The defense does not intend to file a motion for new trial pursuant to Rule 33 of the Federal Rules of Criminal Procedure.

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Thank you for the Court's consideration.

Respectfully submitted,

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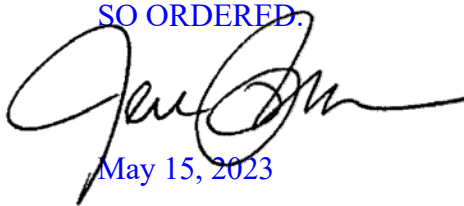
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Attorneys for Nathaniel Chastain

In the Court's view, Defendant's Rule 29 is indeed fully preserved even without further hearing or briefing. If the Government has reason to believe otherwise, it shall so advise no later than May 15, 2023.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'Jesse M. Furman', is written over the text 'SO ORDERED.' and the date 'May 15, 2023'.

May 15, 2023